

## 12-002 Housing Authority Section 8 Non-Criminal Investigations/Inspections

Los Angeles County Sheriff's Department

### FIELD OPERATIONS DIRECTIVE

Field Operations Support Services



### Housing Authority Section 8 Non-Criminal Investigations/Inspections

#### **BACKGROUND**

The Department receives many requests to provide security and ensure the safety for agency workers who are not law enforcement officers, such as requests from housing authorities, Code Enforcement, et cetera. These agencies have their own policies and procedures for requesting law enforcement and interacting with law enforcement. They also have their own policies and procedures on how to handle the incident for which they are requesting security.

#### **PURPOSE**

This directive establishes procedures for deputy personnel who are called to ensure the safety of non-law enforcement agency workers of the housing authorities. Responsibility for enforcing Section 8 non-criminal rules and regulations rests with the housing authority and not with the Department.

A housing authority may initiate investigations/inspections to ensure compliance in its programs. A housing authority worker's role is to conduct administrative investigations/inspections for compliance in its programs. These housing authority investigations/inspections are non-criminal in nature. Deputy personnel are not to participate in these investigations/inspections but are merely there, when requested, to ensure the safety of the housing authority worker whether inside and/or outside of the location/residence. Deputy personnel do have an obligation, however, to take law enforcement action if a crime occurs in their presence that is unrelated to Section 8 compliance (i.e., not based solely on administrative violations of the Section 8 program) or a person is present at the location for whom the deputy has probable cause to believe has committed a crime unrelated to Section 8 compliance.

If an arrest results from a crime unrelated to Section 8 compliance, the name of the housing authority worker shall be included in the arrest report. Any audio or video of the consent to enter the location/residence, if granted to either the housing authority worker or the Department member, shall be placed into evidence. Information regarding any housing authority investigation/inspection shall be referenced in the report and copies of consents shall be requested from the housing authority worker. Evidence of Section 8 rule violations identified by a housing authority worker may not serve as the basis for law enforcement action.

The procedures set forth in this Directive are intended to provide a safe, controlled, and consistent

response to requests from housing authorities. It is not the intention of this Directive to dissuade a housing authority from conducting its lawful function within a Department jurisdiction and in accordance with its policies and procedures. It is this Directive's purpose to ensure that investigations/inspections are not being used to harass residents in their homes or motivate residents to relocate from their homes.

## **POLICY AND PROCEDURES**

When a station/unit receives a call for service by a housing authority worker requesting Department presence to ensure the worker's safety, the housing authority worker shall respond to the station/unit and complete a "Non-Criminal Investigation/Inspection Security Request" form. The form is required and must be approved by the station/unit watch commander before dispatching a deputy to this type of call for service. The watch commander shall require written proof from the housing authority worker that his/her Section 8 investigation/inspection is approved by his/her supervisor.

### Watch Deputy's Responsibility

- The watch deputy shall run the name(s) and the address of the location/residence listed on the "Non-Criminal Investigation/Inspection Security Request" form in the CAD system for any "hits," known gang affiliation, or any other safety factors, and on the form any information found.
- The watch deputy shall submit the completed form to the watch commander for approval. If the request is approved by the watch commander, the watch deputy shall dispatch a deputy to the location/residence.
- The watch deputy shall share all information discovered which may pose a safety risk to any responding deputy or deputies.
- The watch deputy shall not release any non-public information to the housing authority worker. Examples of such non-public information include, but may not be limited to, confidential reports, sex crimes reports, personal identifying information of a suspected gang member, and reports indicating an identifiable juvenile.

### Watch Commander's Responsibility

The Watch Commander shall:

- Ensure the Non-Criminal Investigation/Inspection Security Request form is complete and signed by the housing authority worker;
- Ensure that the housing authority worker provides written documentation that a supervisor has authorized the request for deputy presence;
- Review and evaluate the appropriateness of the request, which includes the reasons for the request articulated on the Non-Criminal Investigation/Inspection Security Request form, i.e., prior confrontations with a resident, threats made by a resident, known gang membership of an occupant or resident, and any other factors relevant to the housing authority worker's safety that may have been documented by the watch deputy on the back of the form;
- Approve the request only if a deputy is necessary to ensure the safety of the housing authority worker. That decision should be based on the circumstances articulated by the housing authority worker on the Non-Criminal Investigation/Inspection Security Request form and any information pulled by the watch deputy. Otherwise, the request shall be denied;

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- If the request is approved, determine the appropriate number of deputies to respond to the request. The number of deputies shall generally be no more than one, absent specific reasons for more, i.e., the reasons articulated on the Non-Criminal Investigation/Inspection Security Request form, “hits” on the location/residence, known gang affiliation, or any other safety factors. If more than one deputy is authorized, the watch commander shall document the reason on the Non-Criminal Investigation/Inspection Request form; and
- Return the approved or denied form to the watch deputy for processing.

### Responding Deputy’s Responsibilities

- The Department shall not participate in a housing authority’s investigations/inspections, except as set forth in this Directive. Moreover, unless a crime unrelated to Section 8 compliance is occurring in the presence of a deputy (including plain view doctrine) during such an investigation/inspection (i.e., not based solely on administrative violations of the Section 8 program), or a person is present at the location for whom the deputy has probable cause to believe has committed a crime unrelated to Section 8 compliance, the Department shall not conduct any criminal investigations or take any law enforcement action while accompanying housing authority workers.
- The responding deputy shall respond to the location/residence with the goal of ensuring the housing authority worker’s safety. The responding deputy shall abide by the Department’s policies and procedures and all applicable laws.
- The responding deputy shall not release any non-public information to the housing authority worker. Examples of such non-public information include, but are not limited to, confidential reports, sex crimes reports, personal identifying information of a suspected gang member, and reports indicating an identifiable juvenile.
- If the housing authority receives consent to enter the location/residence, the responding deputy must obtain a *separate written* consent to enter the location/residence from the person having authority to give consent. The deputy shall have the person giving consent to enter the location/residence sign a “Sheriff’s Department Consent for Entry to Provide Security” form.
- The responding deputy shall not insist that consent be given, nor suggest that a search warrant will be sought if consent is not given, and shall make it clear that giving consent for his/her entry is voluntary.

**NOTE:** Consent to enter in this context does not constitute consent to search; entry shall be solely for the purpose of protecting the housing authority worker.

- If the person giving consent to enter the location/residence gives authorization to the housing authority worker but not to the deputy, the deputy is *not* authorized to enter the location/residence even if the housing authority worker enters the location/residence, absent exigent circumstances.
- Upon entering the location/residence, the role of the deputy is to ensure the safety of the housing authority worker.
- The responding deputy shall not participate or assist in the housing authority worker’s investigation, including the search of the home or inspection of the home.
- The responding deputy shall not take law enforcement action such as requesting identification from occupants of the home, running names through the CAD system, questioning residents/occupants regarding housing authority rule violations or any other issues, or encouraging residents/occupants to give the housing authority worker consent to enter or inspect the premises.
- The responding deputy may request the name and date of birth of any occupant, however the deputy

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must ensure through his/her conduct that the request is voluntary and not the occupant's mere acquiescence to police authority.

- If no law enforcement action is taken, the responding deputy shall obtain an URN with the statistical code of 787 and place it on the "Non-Criminal Investigations/Inspections Security Request" form. The "Non-Criminal Investigations/Inspections Security Request" form, along with the "Sheriff's Department Consent for Entry to Provide Security" form, if obtained, and the housing authority worker's written documentation authorizing his/her investigation/inspection, shall be submitted to the watch sergeant for processing.

If law enforcement action is taken, the responding deputy shall follow Department policies and procedures. If a criminal report is written, the report will contain the appropriate criminal statistical code, along with the 787 statistical code.

- A Mobile Digital Computer (MDC) entry will be made for all housing authority-related calls, observations, incidents, or compliance checks. The MDC clearance shall include the 787 clearance code.

### Watch Sergeant's Responsibilities

The Watch Sergeant shall:

- Ensure that the responding deputy has submitted the "Non-Criminal Investigations/Inspections Security Request" form and attached the "Sheriff's Department Consent for Entry to Provide Security" form, if obtained, and the housing authority's written documentation authorizing his/her investigation/inspection.
- In instances where a Criminal Incident Report (SH-R-49) is also written, the watch sergeant shall ensure that the "Non-Criminal Investigations/Inspections Security Request" form, the "Sheriff's Department Consent for Entry to Provide Security" form, if obtained, the housing authority's written documentation authorizing his/her investigation/inspection are attached, and that a statistical code of 787 is included.
- After review by the watch sergeant, forward all reports/forms to the station secretariat for processing.

### Investigations of Fraud on the Voucher Program

Housing Authority Referred Investigations All allegations of fraud on the voucher program referred through a housing authority worker will be submitted to the detective bureau lieutenant prior to the start of any investigation. The detective bureau lieutenant will evaluate the need for an independent investigation and will notify the housing authority of his or her decision. If an investigation is deemed appropriate, the detective bureau lieutenant shall assign the case to a detective who will generate an incident report using the 787 statistical code. The detective bureau lieutenant will ensure that the investigation is not being used to harass residents or motivate them to relocate. Once the housing authority-referred fraud investigation is complete, the handling detective shall submit the case to the District Attorney's Office. The Department will analyze data containing the 787 statistical code on a countywide basis at least semiannually to ensure that voucher-related law enforcement actions are not being used to harass residents in their homes or motivate residents to relocate from their homes.

### Department Personnel Initiated Investigations

All proposed independent investigations for criminal fraud based on voucher holder compliance with the voucher contract shall be evaluated by the detective bureau lieutenant prior to the start of the investigation.

The detective bureau lieutenant will ensure that the investigation is not being used to harass residents or motivate them to relocate. If an investigation is deemed appropriate, the detective bureau lieutenant shall

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assign the case to a detective who will generate an incident report using the 787 stat code and note the detective bureau lieutenant's concurrence in the report. Once the investigation is complete, the handling detective shall submit the case to the District Attorney's Office. The Department will analyze data containing the 787 statistical code on a countywide basis at least semiannually to ensure that voucher-related law enforcement actions are not being used to harass residents in their homes or motivate residents to relocate from their homes.

### Secretariat Responsibilities

- All "Non-Criminal Investigations/Inspections Security Request" and attached forms shall be processed by the secretariat and treated as an "Inactive" Incident Report. The forms will be filed with the station's incident reports and imaged into the electronic archive SECDA.
- All Criminal Incident Reports will be processed normally, with the "Non-Criminal Investigations/Inspections Security Request" form, the "Sheriff's Department Consent for Entry to Provide Security" form, if obtained, the Housing Authority's written documentation authorizing his/her investigation attached, and a statistical code of 787 included.

### Department Operation (or Search) Entries

Housing authority personnel shall not be notified in advance of Sheriff's Department operations such as warrant services, probation/parole sweeps, "Cease Fire" operations, CPB/COPS surveys, DCFS checks, sex registrant compliance checks, or warrant checks. They shall not be invited to participate in ongoing Sheriff's Department operations even if Department personnel become aware that a particular residence or individual receives Section 8 housing assistance. Reserve deputies, working in the capacity of a housing authority worker, shall not be permitted to accompany Department personnel during field operations.

If Department personnel conduct an entry of a location/residence for law enforcement purposes and a housing authority worker happens to be present, the housing authority worker shall not enter the location/residence until all law enforcement action is complete. Law enforcement entry into the location/residence does not give the housing authority worker implied consent to enter the location/residence. The housing authority worker will need to obtain his/her own consent for entry.

### Requests for Information Regarding Section 8 Residents

Department personnel shall not ask for, nor secure, names or addresses for Section 8 residents who receive vouchers for housing from housing authority personnel or any other source to conduct Department operations such as warrant services, probation/parole sweeps, "Cease Fire" operations, CPB/COPS surveys, DCFS checks, sex registrant compliance checks, or warrant checks.

Department personnel shall not ask any individual whether he or she receives Section 8 housing assistance (i.e. during traffic stops or while checking suspicious persons), nor will they seek such information from other sources such as landlords or neighbors.

Reserve deputies working in their capacity as a housing authority worker shall not have access to confidential databases such as JDIC.

## **ATTACHMENTS**

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Non-Criminal Investigation/Inspection Security Request Form (SH-R-635, Rev 03/2018)

Consent for Entry to Provide Security Form (SH-R-634, Rev 03/2018)

<http://lasdweb/sites/eForms/Documents/FOD%2012->

[02%20Section%208%20\(Attachment%20Forms\)%20New%20Star.pdf](http://lasdweb/sites/eForms/Documents/FOD%2012-02%20Section%208%20(Attachment%20Forms)%20New%20Star.pdf)

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